AUG 2 5 2005

DEPARTMENTOF WATERRESOURCES

Roger D. Ling, ISB #1018 LING ROBINSON & WALKER

P.O. Box 396

Rupert, Idaho 83350

Telephone: (208) 436-4717 Facsimile: (208) 436-6804

Attorneys for A & B Irrigation District and

Burley Irrigation District

John A. Rosholt, ISB #1037 John K. Simpson, ISB #4242 Travis L. Thompson, ISB #6168 BARKER ROSHOLT & SIMPSON LLP 113 Main Ave. West, Suite 303 Twin Falls, Idaho 83301-6167 Telephone: (208) 733-0700 Facsimile: (208) 735-2444

Attorneys for Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

C. Tom Arkoosh, ISB #2253 ARKOOSH LAW OFFICES, CHTD. P.O. Box 32 Gooding, Idaho 83330 Telephone: (208) 934-8872

Attorneys for American Falls Reservoir District #2

Facsimile: (208) 934-8873

W. Kent Fletcher, ISB #2248 FLETCHER LAW OFFICE P.O. Box 248 Burley, Idaho 83318 Telephone: (208) 678-3250 Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF) SURFACE WATER
A&B IRRIGATION DISTRICT, AMERICAN) COALITION'S OBJECTION TO
FALLS RESERVOIR DISTRICT #2, BURLEY) PROPOSED DEPOSITION
IRRIGATION DISTRICT, MILNER IRRIGATION	ON) SCHEDULE OF IDWR
DISTRICT, MINIDOKA IRRIGATION DISTRICT	CT) EMPLOYEES SUBMITTED BY
NORTH SIDE CANAL COMPANY, AND TWIN	IGWA/POCATELLO/STATE
FALLS CANAL COMPANY) AGENCY GROUND WATER
) USERS
HEARING ON DIRECTOR'S MAY 2, 2005)
AMENDED ORDER)
)

COMES NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal

Company, and Twin Falls Canal Company (hereinafter collectively referred to as the "Surface Water Coalition" or "Coalition") and hereby objects to the proposed deposition schedule of IDWR employees submitted by IGWA, Pocatello, and the State Agency Ground Water Users on August 23, 2005 ("Joint Request") on the following bases:

- 1. To the extent the Joint Request implies that members of the Surface Water Coalition would be limited to conducting depositions of the identified IDWR employees, or other IDWR employees or contractors, solely during the week of August 29th, or "as soon thereafter as practicable", the Coalition objects to the request.
- 2. Since the discovery period is in the initial stages, the Coalition members and their experts are presently reviewing and analyzing documents and materials relevant to the proceeding. As part of this process, the Coalition experts have requested various information and data from IDWR. Hal Anderson recently responded to this request and provided some information on August 17, 2005. *See Exhibit A.* Despite this partial response, to date, IDWR has not provided, or made available, all the necessary information that has been requested. *See Exhibit B.* Until this information is provided as requested, the Coalition's experts will not have had a meaningful opportunity to discover necessary facts and data relevant to this proceeding. In addition, The Coalition's experts need adequate time to analyze and review this information in a meaningful manner prior to the depositions of IDWR employees or contractors who generated or who have knowledge about this information.
- 3. Apart from reviewing information received from IDWR, the Coalition filed a *Motion for Clarification and Supplemental Information Concerning Record* on August 12, 2005. To date, the Director has not responded or disclosed all "parts of the record relied upon . . . in the informal proceeding that the Director intends to consider in this formal proceeding." To the

extent there are other documents or information that have yet to be disclosed, the Coalition needs adequate time to analyze and review this information prior to taking depositions of IDWR employees or contractors who generated or who have knowledge about this information.

- 4. The Coalition members request a meaningful opportunity to conduct necessary depositions of IDWR employees, including those identified in the *Joint Request*, for purposes of the hearing in this matter. A meaningful opportunity to prepare includes adequate notice of the place, time, and scope of the deposition. Simply listing the names of the employees one week and then proceeding to conduct the depositions as early as six days later is not adequate time from the Coalition's standpoint, particularly where the employees are located at offices across the State.
- 5. The Coalition reserves the right to submit its own requests for depositions of IDWR employees and contractors, including those listed in the *Joint Request*, as determined necessary in this proceeding. Given the discovery period has just opened, the Coalition's experts are currently reviewing and analyzing data and information that has just recently been provided, and the general deposition schedule discussed among the parties, the Coalition suggests the week of October 10th would provide an appropriate time to conduct necessary depositions of IDWR employees. As determined through the discovery process, the Coalition will submit the necessary requests with the Director in order to provide adequate notice regarding those depositions.

DATED this 29 day of August 2005.

LING ROBINSON & WALKER

ARKOOSH LAW OFFICES CHTD.

Roger D. Ling

Attorneys for A & B Irrigation District and Burley Irrigation District

FLETCHER LAW OFFICES

W. Kent Fletcher

Attorneys for Minidoka Irrigation District

Attorneys for American Falls Reservoir District #2

BARKER ROSHOLT & SIMPSON LLP

John A. Rosholt

John K. Simpson

Travis L. Thompson

Attorneys for Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of August 2005, I served a true and correct copy of the foregoing Surface Water Coalition's Objection to Proposed Deposition Schedule of IDWR Employees Proposed by IGWA / Pocatello / State Ground Water Users on the following by the method indicated:

Via Email:

Director Karl Dreher Idaho Department of Water Resources 322 E. Front St. Boise, Idaho 83720-0098 victoria.wigle@idwr.idaho.gov

Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Road Boise, Idaho 83706-1234 mhoward@pn.usbr.gov

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley LLP
601 Bannock St., Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
jcf@givenspursley.com
mcc@givenspursley.com

James C. Tucker Idaho Power Company 1221 West Idaho St. Boise, Idaho 83702 jamestucker@idahopower.com

James S. Lochhead Adam T. DeVoe Brownstein, Hyatt & Farber P.C. 410 17th St., 22nd Floor Denver, Colorado 80202 <u>jlochhead@bhf-law.com</u> adevoe@bhf-law.com IDWR – Eastern Region 900 N. Skyline Dr., Suite A Idaho Falls, Idaho 83402-1718 ron.carlson@idwr.idaho.gov lewis.rounds@idwr.idaho.gov

IDWR – Southern Region 1341 Fillmore St., Suite 200 Twin Falls, Idaho 83301-3380 allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov

Kathleen Marion Carr U.S. Department of Interior 550 West Fort St., MSC-020 Boise, Idaho 83724 kmarioncarr@yahoo.com

Jo Beeman
Beeman & Assoc.
409 W. Jefferson St.
Boise, Idaho 83702
jo.beeman@beemanlaw.com

Michael Gilmore Attorney General's Office P.O. Box 83720 Boise, Idaho 83720-0010 mike.gilmore@ag.idaho.gov

Terry T. Uhling
J.R. Simplot Company
999 Main St.
Boise, Idaho 83702
tuhling@simplot.com

Scott L. Campbell Moffatt Thomas Chtd. 101 S. Capitol Blvd., 10th Floor P.O. Box 829 Boise, Idaho 83701 slc@moffatt.com Sarah Klahn White Jankowski 511 16th St. Suite 500 Denver, Colorado 80202 sarahk@white-jankowski.com

Travis L. Thompson

EXHIBIT "A"



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098 Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

> DIRK KEMPTHORNE Governor KARL J. DREHER Director

Mr. John Koreny HDR Engineering, Inc. River Quarry at Park Center 412 E. Parkcenter Blvd. Boise, ID 83706-6659

August, 17, 2005

VIA FACIMILE to (425) 454-4189

RE: Additional Information Request from Idaho Surface Water Coalition

Dear Mr. Koreny.

In your letter dated August 9, 2005, you requested additional information that "after a quick review" you believed was missing from our August 8, 2005 response to your July 29, 2005 information request. We have evaluated your request and have placed the requested information on the IDWR FTP site. An item-by-item response to your August 9 letter Attachment A is enclosed as an Attachment. Also we received an e-mail requesting information from Mr. David Shaw, whose firm ERO Resources Corp., we understand is also working for the Surface Water Coalition. We are including a response to his request as item 5 in the attachment.

Sincerely.

Hal N. Anderson Administrator.

Planning and Technical services Division

andres

Attachment HDR Additional Information Request

Item 1

The FTP file names for spreadsheets and electronic data that is available and associated with the "Partial Agency Record in the matter of the Surface Water Coalition Delivery Call Before the IDWR" CD, are listed in order as included on the CD index:

- 1. Chart of Water Right Numbers, FTP file, heii_nat_sort.xls
- 2. Hydrographic Report, FTP file, HEII QU 01 02 03.xls
- 3. Idaho Water Supply Outlook Report, April 1, 2005, Available on NRCS website.
- 4. Coalition Historic Diversions and projections, FTP files, AccountingAB1.xls, data in upsnake04.xls; AccountingAmericanFalls1.xls, data in upsnake04.xls; MinidokaS(Burley)1.xls, data in upsnake04; AccountingMilner1.xls, data in upsnake04; MinidokaNthS1.xls, data in upsnake04; NorthsideC.xls, data in upsnake04; TwinFalls1.xls, data in upsnake04; AF STORED 2005 estAVG.xls; SNKSTO05.RPT0204
- 5. Surface Water Coalition first information submittal, no associated files
- 6. Crop information for Gooding, Jerome, Lincoln & Twin Falls Counties, FTP file, ESPA%20Research.
- 7. Summary of Results from simulated curtailment of irrigation under ground water, FTP file, CurtSumDocs.zip
- 8. Charts containing ET adjusted diversions on alfalfa hay seasonal water use, FTP file, heii qu nat flo div.xls
- Six-month accrual summaries for five-year period for canal Ground Water Districts, no associated files, replaced by item 10 below.
- 10. Six-month accrual summaries, FTP file, 6moAccruals.zip
- 11. Undated Memo regarding Model, no associated files
- 12. E-mail Correspondence to the Director from Bryce Contor, no associated files
- 13. E-mail Correspondence to the Director from Allan Wylie, no associated files
- 14. S.P. Garabedian report, 1992, no associated files

Attachment pg. 2

- 15. Graph: Snake River Near Heise Gage April-July, FTP file, HEII QU APRJUL.xls
- 16. Rules for Conjunctive Management, On IDWR website
- 17. Hydrologic Effects of Curtailment of Ground Water Pumping by Contor, Cosgrove, Rinehart and Wylie, October, 2004, On IWRRI website, IDWR FTP files, Curtail_GIS.zip contains recharge tool input files used to make MODFLOW input for scenario.
- 18. Hydrologic Effects of Continued 1980-2002 Water Supply Use and Conditions, by Cosgrove, Contor, Wylie, Rinehart and Johnson, October 2004, on IWRRI website.
- 19. List of Water Rights Identified in Water Call Letter, no associated files
- 20. Coalition letter requesting administration and delivery of water to Director Karl Dreher, no associated files.
- 21. Orders issued by IDWR, on IDWR website.
- 22. Petition for water right administration and designation of the Eastern Snake Plain Aquifer as a Ground Water Management Area. No associated files
- 23. In Re: SRBA, Subcase 92-00021, Interim Administration Pleadings, no associated files.
- 24. Bureau of Reclamation, Water Supply for Palisades Reservoir Planning Report, October 1946, no associated files.
- 25. Charts of reach accruals, FTP files, Curtail.zip

Item 2

The reach gain and loss program, input files, output files and spreadsheets are posted on our FTP site. The file name is RiverTargets.zip

Item 3

The "Base Case" program files names on our FTP site are on the IWRRI website. We did download these files and ran the scenario without a problem, "Curtailment" scenario program files are Curtail_GIS.zip, the "No Change" program files are should be available later this week, and we will send an e-mail with the file name.

Attachment pg. 3

Item 4

We do not have a compilation of spring data above Milner. The Eastern Snake Hydrologic Modeling Committee chose to include the above Milner springs within the Snake River reach gains.

Item 5 (David Shaw request)

The Water Right Account program that has been complied to run on a PC and an executable file is on the FTP site. The file name source code is, SNKWRA_PC.FOR and the compiled executable is SNAKE_PC.EXE

EXHIBIT "B"

From: Koreny, John S.

Sent: Wednesday, August 24, 2005 12:54 PM

To: hal.anderson@idwr.idaho.gov; rick.raymondi@idwr.idaho.gov **Cc:** dshaw@eroresources.com; charles.e.brockway@brockwayeng.com

Subject: Missing Accounting Model Files

Hi Hal-

Enclosed is the follow-up to our July 29, 2005 information request that we discussed yesterday. Some of the accounting model files seem to be missing, and we would appreciate your assistance to confirm whether or not the noted files exist. If they do exist, we would appreciate recieving a copy of these files as soon as possible.

We are also requesting a copy of the program that can be used to extract the natural, storage and total water use breakdown out of the allocation file for the diversions included in the accounting model. Alternatively, if IDWR can provide this data, we would not need a copy of the program.

Thank you for your assistance.

John Koreny HDR Engineering August 24, 2005

Mr. Hal Anderson Idaho Department of Water Resources 322 East Front Street Boise, ID 83720

RE:

Follow-up for Accounting Model Files, July 29, 2005 Information Request,

Idaho Surface Water Coalition

Thank you for discussing by phone on August 23, 2005 the IDWR Accounting Model files that we received in the IDWR response to our July 29, 2005 information request.

Some of the files necessary to run the historic model data seem to be missing from the information provided. An attached spreadsheet titled, "AccountingModelFileList.pdf" summarizes the Accounting Model files received from IDWR. The specific files that seem to be missing are listed in red with a "?" after the file name. The most important of the missing files are the *.alc and *.rpt files.

We also would like to request the program "snkalclst". We understand that this program can be used to extract the record of storage, natural and total diversions from the allocations file. Alternatively, if IDWR can provide the historic record of the breakdown of storage, natural and total water use for the diversions identified within the accounting model, we would not need to request this program.

Thank you for your assistance. This follow-up to our July 29, 2005 information request is submitted as a Public Records Request. If you would like to discuss this further, please call John Koreny at 425-450-6200.

Sincerely, HDR Engineering, Inc.

John Koreny, RG, PH Principal Hydrologist

Copy:

David Shaw, ERO Resources

Chuck Brockway, Brockway Engineering

Attached: AccountingModelFileList.pdf

IDWR Subdirectory # of File Received	1977-1994 25	1995-1997 26	1998 26	1999 11	2006 14	2001 9	2002 17	2003 17	2004 18
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Divtti File	missing77 - 94.divtil?	Snka96divttl	Snka98.divltl	Snka99.divtll	Snka2000.divttl	Snka01.divttl	Snka02.divttl	Snka03.divttl	Snka04.divttl;1
		missing95.97.divtd?		***					
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Epi File	missing?7 - 94.epl?	Snka95.epl	Snka98.epl	Snka99.epi	missing@0.epi?	Snka01.elp	Snka02.epi	Snka03.ept	Snka04.ept;1
		Prelim96.hst	Prelim98.hst						***
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	missing78.nxt?	Snka95_2.rpt	Snka98_2.rpt			***	Snksto02.rpt	Snksto03.rpt	Snksto04.rpt;199
	missing79.rpt?	Snka95_3.rpt	Snka98_3.rpt	***		***	***		***
	missing80.rpt?	Snka95_4.rpt	Snka98_4.rpt	***			***		
	missing81.rpt?	Snka95_5.rpt	Snka98_5.rpt	***			***	***	
	missing82.rpt?	Snka95_6.rpt	Saka98_6.rpt				***		***
	missing83.rpt?	Snka95_7.rot	**-	***				***	***
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	missing77 - 94.sysind?		missing98.sysind?	Snka99.sysind	missing@0.sysind?	Snka01.sysind	Snka02.sysind	Snka03.sysind	Snka04.sysind;1
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IDWR Subdirectory	1977-1994	1995-1997	1998	1999	2000	2001	2002	2003	2004
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Alc File	missing77.slc?	Prelim97.alc Srika95.alc	Prelim98.alc Snka98.alc	Snka99.ak	Snka2000 atc	Snka01.alc	Snka02.alc	Snka03.atc	Snka04.atc;1
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Diviti File	missing77 - 94.divttl?	Snka96dlvttl	Snka96.divtil	Snka99.divt#	Snka2000.divtti	Snka01.divttl	SARGUZ.UIVIII	STRADS.UIVIII	SIRAU4.UIVIII,I
Dpl File	:nius:ng77 + 94.dpl?	reissieg95,97,divti? Snka96,dpt	Srika98.dpt	Snka99.dpl	Snka2000.dpl	rnissingū1.dpl?	\$nka02.dpl	Snka63.dpt	Snka04.dpt;1
Epi File	missing 77 + 94.apt?	Snka95.ept	Snka99.epi	Saka99.ept	nassing00.epi?	Snka01.elp	Snka02.epl	Snka03.epi	Snka04.ept;1
Ebi i iie	3033511g71 - 5435p21	Presm96.hst	Prelim98.hst		***			***	
Hst File	Snka77,hst	Snka95.hst	Snka98.hst	Snka99.hst	Snka2000.hst	Snka01.hst	Snka02.hst	Snka03.hst	Snka04.hst;1
	Snka78.hst	Snka96.hst		***	***				
	Snka79.hst	Snka97.hst		***	***		***		
	SnkaB0.hst SnkaB1.hst								
	SnkaB2.hst								
	SnkaB3.hst			,				***	
	SnkaB4 hst			***		***			
	Snka85.hst		***	***				***	
	Snka86.hst	***		***	•••				
	Snka87.hst	***				***			
	Snka88.hst	•••				***			
	Snka89.hst Snka90.hst	***							
	Snka90.nsi Snka91.hsi	***					***		
	Snka92.hst			***			***		
	Snka93.hst	*					***		
	Snka94.hst	***					-44	•••	
	***	***		***	***		Snka02.hstact	***	***
Ind File	missing77 - 94.ind?	Snka96.ind	Snka98.Ind	Snka99.ind	Snka2000.lnd	Snka01.ind	Snka02.Ind	Snka03.Ind	Snka04.Ind;1
		missing95,97.ind?			***		Snksto02.ind	Snksto03.lnd	Snkste04.ind;36
		Snka97.mlssum	Snka98.missum			•••	***	***	
Rpt File	missing/7.rpt?	Snka95_1.rpt	Snka98_1.rpt	\$nka99.rpt	Snkwra00.rpt	Snkwra01.rpt	Snka02.rpt	\$nka03.rp1	Snkwra04.rpt;1
-	missing?8.rpt?	Snka95_2.ml	Snka98_2.rpt	v		***	Snksto02.rpt	Snksto03.rpt	Snksta04.rpt;199
	missing78 rps?	Snka95_3.rpt	Snka98_3.rpt	***			***		
	missing80.rpt?	Snka95_4.rpt	Snka98_4.rpt	***	***				
	missing81.rpt?	Snka95_5.rpt	Snka98_5.rpt Snka98_6.rpt		***	***			
	missing82 rpt? missing83.rpt?	Snka95_6.rpt Snka95_7.rpt	268C436_6.1pt		***				
	missing84.rpt?	missing96.rpt?	***						[
	missing85 rpt?	missing#7.ps?	***						
	missing86.rpt?		***	•••		***			
	missing@7.rpt?		***	•••			•••	***	
	missing86.rpt?	*-						•••	
	missing89.mt?	***							
	missing90.rpt?	***	***						
	missing@1.tpl? Inissing@2.tpt?								
	9 sqt. E@gnisaim	***			***			***	
	missing94.gpt?					***	***		
Rts File	reissing?7 - 94.45?	Snka96.rts	Snka98.rts	missing99 ris ⁿ	Snka2000.rts	Snka01.rts	Snka02.rts	Snka03.rts	Snka04.rts:1
Risbi File Spa File	missino77 - 94,spa?	missingof 67 cos 2	Snka98.rtstbl missing98.spg?	missing99.spa?	missingi)0.spa?	missing01.spa?	Snksto02.spa	Snksto03.spa	Snksto04.spa;394
Stocry File	missing?7 - 94.slocry?		Snka98.stocry	missing98.stocry'r	Snka2000.stocry	missing@1.stocry*	missing@2.stocry?	missing03.stocry?	missing04.slocry?
	missing77 - 94 stofo ?		missing98.stofer?	missing99.stofor?	missing@bacolor?	nsissing01.stefc=?	rnissing@2.stefor?	missing03.stofer?	Snka04.stofor;1
Stolnd File	missing77 - 94.stoind?	missing95-97.atoind?	Snka98.stoInd	missing09.stoind?	Snka2000 stoind	missing@1.stoind?	missing02.stoind?	missing03.s1oind?	missing@4.steind?
Storpt File	missing?7 - 94.storpt?	Snka96.storpt	Snka98.storpt	Snka99.storpt	Snka2000 storpt	missing01.stom/?	missing02.storpt?	escsing@s.storpr?	missingUs.storpt?
Stospa File	nissing77 - \$4.stospa5		Snka98.stospa	missing99 stospa?	Snka2000 stospa	лаванда этогра?	missing02.stosps?	missing93.sidspa*	missing04 stospa?
Stouse File	nissing77 - 94 stouse?		Snka98.stouse	missing99.stouse?	Snka2000.stouse	missing() I stouse if	missing02.stouse?	missing03.stouse?	missing04.sjouse?
Sys File	minsing?7 - 94.sys?	Snka96.sys	Snka98.sys	missing99.sys?	Snka2000.sys	missing@1.sys?	missing02.sys?	missing@3.sys?	missing@4.sys?
Sysind File	missing77 - 94.aysind?		missing98.sysind?	Snka99.sysind	missing00-sysind?	Snka01.sysInd missing01.tb?	Snka02.sysInd missingUatel?	Snka03.sysind Snksie03.tbl	Snka04.sysind;1 Snksto04.tbl;2
Thie File Txt File	missing77 - 94.tb? missing77 - 94.tzt?	missing95-97.tbl? missing95-97.txt?	missing98.txt? missing98.txt?	missing#9 Ibi? missing#9.ixt?	missing60.tbt? missing60.txt?	missingu itur?	missing02.txt?	Snka03.txt	missing04.txt?
ixi rile Use File	missing77 - 94,000?	missing95-97 txt?	missing98.use?	missing@9.use?	missing00.use?	rnissing91.use?	Snksto02.use	Snksto03.use	Snkslo04.use;50
Warpt File	missing77 - 94, worrpi?	Snka97.wmrpt	Snka98.wmrpt	missing99.wmrpt?	missing@0 wrorpt?	Figurille Etgelesin	releating@2.verapt?	missing@3.wrept?	missing04.wmrpt?
Wrafor File	nissing?" - 94.wrafor?	Snka96.wrafor	Snka98.wrafor	Snka99.wrafor	Snka2000.wrafor	missing01.wrafer?	Snka02.wrafor	:nissing03.wrafo:?	SnkaD4.wrafor;1